IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 2579 of 2007()

C.P.NO.30/07 OF J.F.C.M, N.PARAVUR

PETITIONER: ACCUSED 1 & 2

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1. BABU, AGED 24 YEARS, S/O.PAVITHRAN,
PONATH HOUSE, MUNAMBAM KARA,
KUZHUPPILLY VILLAGE.

2. DHANITH, AGED 23 YEARS, S/O.SISUPALAN,
KOCHUANAKATH HOUSE, MUNAMBAM KARA,
KUZHUPPILLY VILLAGE.

BY ADV. SRI.B.PREMOD

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP. BY S.I OF POLICE,
MUNAMBAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/08/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2579 of 2007

Dated this the 10th day of August, 2007

O R D E R

The short grievance of the petitioners is that though they have been granted bail in Crime No.68 of 2007 of Munambam Police Station registered, inter alia, under Section 308 I.P.C, they could not execute the bonds before the case was committed by the learned Magistrate to the Court of Session. That case ie. C.P.No.3-0 of 2007 was in the meantime committed by the learned Magistrate making it impossible for the petitioners to execute the bonds and claim release. The petitioners now seek a direction from this Court that the learned Magistrate may be directed to permit the petitioners to execute the bonds in Crime No.68 of 2007 of Munambam Police Station ie.C.P.No.30 of 2007 before the Judicial Magistrate of the First Class, North Paravur.

2. Records are not placed before me. The learned counsel for the petitioners laments that because of the petitioners' inability to execute the bonds, the petitioners are languishing in custody now. I am satisfied that a direction can be issued to learned Judicial Magistrate of the First Class, North Paravur that if the petitioners

have already been granted bail in Crime No.68 of 2007 of Munambam Police Station, which has resulted in C.P.No.30 of 2007, they shall be permitted to execute the bonds notwithstanding the fact that the case has been committed to the Court of Session. The petitioners shall be permitted to execute the bonds and they shall be released. The matter shall be reported to the Court of Session.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-